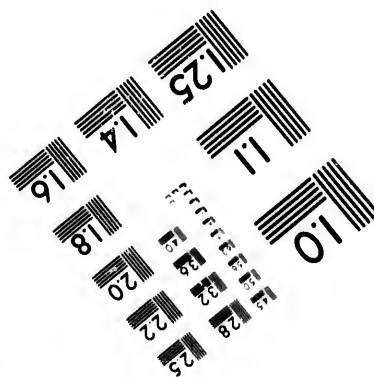
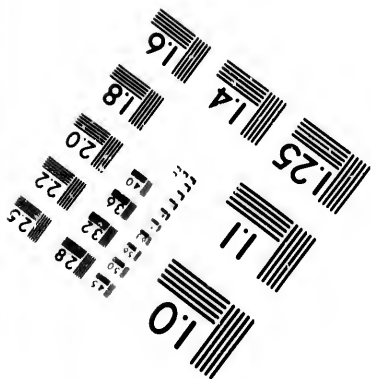
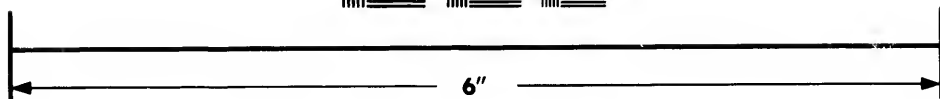
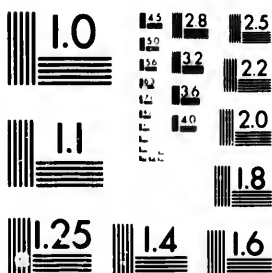


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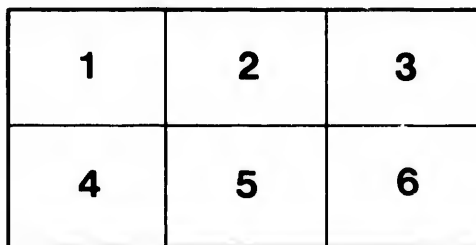
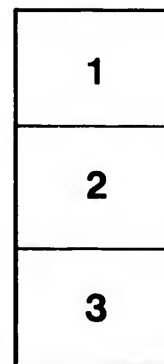
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# Lecture

BY

JOHN S. EWART, Q. C.,

ON THE

# Manitoba School Question

IN THE

Congregational Church,

WINNIPEG.

— 29th April, 1895.

MANITOBA FREE PRESS PRINT.

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# Lecture by John S. Ewart, Q. C.,

— ON —

## THE MANITOBA SCHOOL QUESTION

— IN THE —

CONGREGATIONAL CHURCH, WINNIPEG,

29th APRIL, 1895.

The following is the lecture delivered by Mr. J. S. Ewart in the Congregational church on Monday evening, April 29th, in reply to Rev. Mr. Pedley:

My first word upon this occasion must be one of thanks to Mr. Pedley and his congregation, for their almost unprecedented kindness in permitting me, from their platform, to make reply to the pastor of their own church. If anyone had ever doubted Mr. Pedley's honest endeavor after impartiality (and I do not think that anyone did) my appearance here to-night will remove his doubt in the most satisfactory manner possible. No one can refrain from admiration for the painstaking and conscientious method in which Mr. Pedley approached the subject. It is one filled with difficulties. It is complicated by legal subtleties that have puzzled some of the ablest judges in Canada; by questions of disputed facts; by problems of morality and religion, of tolerance and freedom, of enlightenment and patriotism. Under these circumstances Mr. Pedley did not rush into the pulpit praying God to send down enlightenment and ready-made wisdom; but getting his books around him he sat down patiently to enlighten himself. And I must congratulate him upon the result of his labors. With one or two almost trifling exceptions he stated the material facts with almost complete exactness. With his reasonings and conclusions from those facts I entirely disagree; and I am here to-night to state why I do so, and to endeavor (with I hope as much fairness and moderation as he showed), to convince you that I am right.

### CHURCH CONTROL NOT WANTED.

And first let me see what the trouble is all about. One reverend gentleman preached a most vigorous sermon

against control of schools by the Roman Catholic church. He abused the church and its management in fine Reformation phraseology, and in ringing tone, whilst poor Rome sat on her seven hills howling with pain and up and down the spiny Appenines ran cold shivers and hot earthquakes. When I informed him through the newspapers that nobody was contending for church control, he naively replied that if that were so there was no use in the serm—I beg his pardon—the controversy. He should have said no use in the sermon. The Catholics then do not ask for church control. If they did I would not be their advocate. I do not say that it would not be well done. In England their schools are well up to the standard. But I am democratic enough to want to see the people manage their own affairs. I believe it is good for the people, and in the long run good for their affairs.

### NATIONAL SCHOOLS.

What then is the trouble all about? To understand the matter we must classify the different kinds of schools. The broadest division of them is into National schools, and Church, or Denominational schools. National schools are those governed by the nation. Church schools are those governed by churches. Separate schools are sometimes national schools, and sometimes church schools, that is, sometimes governed by the nation and sometimes governed by the churches. For our purposes these are the four kinds of separate schools—two of them church schools, and two national schools. (1) Church schools pure and simple, with no assistance from government (St. John's college is an example of this kind); (2) church schools which comply with certain government requirements, and in consideration of their secular work share in the government

grant (the English denominational schools are examples of this class); (3) national separate schools which are governed and controlled directly by a department of the government (such as the Ontario separate schools); and (4) national separate schools which are governed and controlled indirectly by government, that is, they are governed through a board of education appointed by government. It was to this class that both the Protestant and Catholic schools in Manitoba belonged prior to 1890. They were national and separate.

It is often assumed that if schools are to be called national they must be all exactly alike. Scotchmen have a national costume, but the tartans differ. There may be national railways, but with different gauges suitable to locality. There are separate waiting rooms at railway stations, but they are all public. If all the schools in Manitoba were governed by the same body, and were identically alike except that in some of them there were certain religious exercises, and in others there were none, would one of these classes cease to be national? If so, the act of 1890 provides for schools which may at the discretion of the trustees not be national. If not, then the separate schools of Ontario to-day are national schools. I advocate then national schools, but I do not propose that they should all be of Procrustean length, and the peoples' consciences shall be loppe lengthened to suit the schools. I believe that schools are made for the people, and not people for the schools, and that the system should be so flexible (to use Dr. Bryce's commendatory word), that all can take advantage of it. I advocate national schools and I oppose church schools.

#### THE CONTROVERSY DEFINED.

The most obvious criticism of Mr. Pedley's lecture is that he never defined the controversy. Let me endeavor to state the point clearly, for I have always found in conversation that when that was done almost all opposition ceased—that there was no use in the sermon—I mean the controversy.

Let us see what is admitted between Mr. Pedley and me. In the first place we admit that there must be religious teaching in the schools. That I may not do Mr. Pedley wrong I shall quote his words: "Is it the business of the state to provide religious teaching? . . . that . . . best with this qualification that this be done without partiality or injustice." We may judge of the extent to which re-

ligion ought to be taught, by Mr. Pedley's contention that "It is the business of the state to provide moral training. But moral training will be ineffective unless supported by the sentiments and sanctions of religion." Therefore he says religion must be taught; and therefore religious "sentiments and sanctions" must be taught. He concludes his paragraph in this way: "What then is the duty of the state? First to teach religion in so far as it can do that without violating the fundamental principles of religion; and second to extend all hospitality and encouragement consistent with justice to the agencies whose business it is to teach religion,"—not excluding, I suppose, the Catholic church. To my mind it is not far from this to separate schools.

I am quite aware that this may be thought by many here to be an unsatisfactory point from which to start the debate, and many may think that Mr. Pedley has admitted too much—that purely secular schools are the only remedy for the religious question. And I quite admit that it is harder to answer such persons, although it can be done, and done satisfactorily. But I think that there is no difficulty whatever in answering Mr. Pedley, and those who take the stand that he does; and it is for that purpose that I am here to-night.

#### RESUME.

Let us see how far we have got: (1) The schools are not to be under church control; and (2) there must be teaching in them of religious "sentiments and sanctions." Is there anything else we can agree about? Yes. We can agree (3) that all schools are to work up to the same secular standard; (4) that the teachers in all the schools shall pass the same examinations and be certificated in the same way; (5) because of the same qualifications; (6) that all schools shall use the same books, with this almost unnecessary proviso that there shall be nothing in them offensive to any religious body; (7) that all schools shall be subject to state inspection; (8) and that by these, or other means which can be devised, the education of all the children in Manitoba shall be as general, and as efficient as it is possible to make it.

Now, am I right as to this? Let me see. As counsel for the Roman Catholic minority in this province, and with their authority, in addressing His Excellency the Governor-General-in-Council, I said, and I repeat it here to-night: "They do not ask that their church should in any way control the schools. They are perfectly



willing to work up to any state proscribed standard of secular instruction, to be subjected to inspection, and to use school books not at variance with their religious doctrines." I put it to this audience if that is not reasonable. Catholics are perfectly willing to be bound by, and are anxious to co-operate in, every arrangement necessary for the secular, and if thought will, the compulsory education of all the children in Manitoba.

#### THE CONTROVERSY.

Then what is the fight all about? Well, from a Protestant standpoint it is about almost nothing at all—it is little more than this: First: Given that there ought to be religion in the schools (and answering Mr. Pedley I assume that point), ought the Protestants or the Catholics to have the right to prescribe its kind and its quantity, in schools which none but Catholics attend? ; and second if this be decided in favor of the Catholics, ought Protestants to endeavor to force Catholics to attend schools at which Protestant children may also be present, in order that Protestants may thus acquire a standing ground from which to dictate the kind and quantity of religion the Catholics are to have?

#### NO AGREEMENT IN RELIGION POSSIBLE.

The trouble is that same old difficulty of getting people to agree about religion. The Protestants (so far as represented by Mr. Pedley), agree that there ought to be religion ("the sentiments and sanction" of it), in the schools, and they cut off a portion, and say: This much ought to be satisfactory to everybody. The Catholics on the other hand say: It is not satisfactory to us.

Would anyone think that there could be agreement upon such a question? One would have thought that after all the centuries of effort to make people agree upon the most trifling points in religion that it would long ago have been given up as wholly impracticable. But no, here it is again. Mr. Pedley says: "Here is some religion that everybody ought to agree to," and here is the eternal answer, that they won't.

One of the best known efforts to get everybody to agree was the English church service. In the preface we find the following account of itself: "It is more profitable, because here are left out many things, whereof some are untrue, some uncertain, some vain and superstitious; and nothing is

ordained to be read but the very pure word of God, the Holy Scriptures, on that which is agreeable to the same; and that in such a language, and order, as is most easy and plain for the understanding, both of the readers and hearers. It is also more commodious, both for the shortness thereof and for the plainness of the order, and for that the rules be few and easy. And whereas heretofore there hath been great diversity in saying and singing in churches within this realm . . . now from henceforth all the whole realm shall have but one use." "But one use" throughout the whole realm! That was a grand and inspiring idea, but what has come of it? We go from a high church to a low one, and we cannot tell that they even belong to the same denomination, each having its own use as before.

Queen Elizabeth's parliament over 300 years ago passed an act to establish uniformity. It proposed to "obliterate all lines of demarcation in the state that distinguish creeds, to establish uniformity, to promote harmony and good-fellowship," by dint of statutory pressure. When the Emperor Ferdinand interceded on behalf of the Catholics he was told:

"The queen declares that she cannot grant churches to those who disagree from her religion, being against the law of her parliament, and highly dangerous to the state of her kingdom, as it would sow various opinions in the nation, to distract the minds of honest men, and would cherish parties and factions that might disturb the present tranquillity of the commonwealth." (Hallam's Hist. of Eng., Cap. III.) The author adds: "Yet enough had already occurred in France to lead observing men to suspect that severities and restrictions are by no means an infallible specific to prevent, or subdue, religious factions."

Of course the statute failed in its object, as have always, and in every place failed all similar ordinances. With such experience to aid our judgments, I would hardly have imagined that any one now living believed that unity and good-fellowship could be brought about in that way, and would argue in all seriousness what Lowell wrote in satire:

I do believe wotever trash

Will keep the people in blindness—

That we the Mexicans can thrash

Right inter brotherly kindness.

That bombshells, grape, an powder 'n'

ball

Air good-wills strongest magnets,

That peace, to make it stick at all,

Must be druv in wth bagnets.

If Mr. Greenway really is moved by kindly feeling towards the Catholics, and is legislating for their good, does he not, by consenting all their schools, furniture, apparatus, money and all else, at least leave himself open to the question: "Perhaps you did right to dissemble your love, but why did you kiosk us down stairs?" Mr. Pedley would have us send the bill to Ottawa, so he tells us!

But we need not go back to the Tudors and Stuarts for examples of the stiffness of religious views, and the tenderness of conscience in what to others seem to be small matters. At a stone's throw from this church I can throw others on to Knox church, Westminster church, Grace church and the Baptist church, and send a golf ball to Holy Trinity. Can half a dozen people in this audience tell me the difference in doctrine between a Congregationalist, a Methodist, a Presbyterian, an Episcopalian, and (with a conscience clause permitting postponement) a Baptist? What keeps these people in separate churches? Why do they spend thousands of dollars annually in competition with one another in the little villages of the west? If you ask them they will tell you conscience. To one somewhat free from theological prejudices this seems very extraordinary, but I cannot and do not question their sincerity.

With history behind us then, and all these rival churches around us, what ought we to expect from an attempt to get Protestant and Catholic to agree upon the character and quantity of religious "sentiments and sanctions" to be taught in our schools? To my mind it is as clear as the sun at noon-day that the task is one impossible of performance, and that the attempt is one of utter foolishness. I can understand that man who says, Well, if they can't agree then we must have none at all; but with great deference to Mr. Pedley, I cannot understand the man who says, There must be religion in the schools, but Mr. Greenway and Mr. Martin (although under no charge of theological prejudice) are to cut off the quantity to be used by everybody. This to my mind is requiring people to fit the school act, and not making a school act to fit the people.

#### WHAT CATHOLICS WANT.

What then do we want? We are willing to work up to secular standard prescribed by the state; to employ state certificated teachers; to use state selected books (if not antagonistic to Catholic religion); to be subjected to state inspection, and to be

free from church control. That I think, is all that the state can require of us, and ought to be a sufficient answer to suggestions of inefficiency and illiteracy; and in return we ask that in schools in which there are none but Roman Catholics, the religious "sentiments and sanctions" to be taught, shall be such as we chose, and not those selected by others, however free from theological prejudice. Is this reasonable or is it not? To test it let me answer some of the objections made to it.

#### PRESENT RELIGION IN THE SCHOOLS.

First objection—There is nothing in (1) the religious exercises or (2) instruction which have been prescribed that Catholics can reasonably find fault with. There is the old trouble, one man telling another what he would think if he were only reasonable. To my mind if the Protestant denominations were only reasonable they would unite. But they won't, and what can I do? Legislate for them, as though they ought to, and pass an act of uniformity, with a magnificent ideal of one use throughout the whole realm; or recognize the fact that they differ and have a perfect right to, if it pleases them, of if they are built that way?

Let us see how the privy council met this point, for the same thing was argued before them. Their Lordships said: "There may be many too who share the view expressed in one of the affidavits in Barré's case, that there should not be any conscientious objections on the part of Roman Catholics to attend such schools, if adequate means be provided elsewhere of giving such moral and religious training as may be desired. But all this is not to the purpose. As a matter of fact the objections of Roman Catholics to school such as alone receive state aid under the act of 1890 is conscientious and deeply rooted."

During the argument one good Irish judge said of Dr. Bryce who made the affidavit: "This gentleman gives it as his individual opinion that the Catholic religion ought to be something entirely different from what it is."

Ought I to have to go any further upon this point. In a British colony and speaking to law abiding Canadians, are we not too well accustomed to submitting our personal opinions to the final arbitration of courts of law, too well accustomed to recognize that for disputes, constitutional as well as private, there must be some method of peaceful solution, to make it necessary for me to prove that

this judgment of the privy council is correct? It is unnecessary, and yet that the Catholic position may be shown to be reasonable, as well as legal, I shall pursue the subject a little further.

#### RELIGIOUS EXERCISES.

What then is there in the religious exercises (first) that we object to? Nothing; but suppose I complain of my porridge, that there is no salt in it, ought I to be roughly put down with the statement that there was nothing in it that I objected to?

Let me apply this method of reasoning to the Protestants and see if it will follow it. In the prayer prescribed for the schools I find these words, "For the sake of Jesus Christ, thy Son, our Lord." Now upon the principle that the schools should be (as Mr. Pedley contends) non-sectarian and for Jew and Gentile alike, those words ought to be struck out of the prayer, for no Jew would use them, nor would any Unitarian. But if the words were eliminated no Protestant would use the prayer. I then might say to him, What do you object to? There is nothing in the prayer that you complain of. And he would reply: No, but there is something left out, and as it stands the prayer is Jewish. In the same way I say that the present religious exercises are Protestant. Any one acquainted with the differences between Protestant and Catholic would at once say so and not because of anything in them out because of what is left out.

#### RELIGIOUS INSTRUCTION.

Then as to the instruction prescribed we object not only to its quantity but to its quality, when in the hands of Protestant teachers. The regulations say: "To establish the habit of right doing, instruction in moral principles must be accompanied by training in moral practices. The teacher's influence and example, current incidents, stories, memory gems, sentiments in the school lesson, examination of motives that prompt to action, didactic talks, teaching the ten commandments, etc., are means to be employed." Am I wrong in saying that that programme sounds very like one for a Sunday school? And are Catholics unreasonable in saying that in the hands of Protestant teachers the flavor of the memory gems, didactic talks, etc., would be Protestant? It could not possibly be otherwise. I defy any Presbyterian for instance who believes his catechism to conscientiously teach the ten commandments without coming in di-

rect conflict with Roman Catholic doctrine. And if we are to assume that the teachers are non-sectarian too—gentlemen without theological prejudices—what reason is he to give to the children why the Protestants divide the Catholics' first commandment into two, making up by adding their ninth and tenth together? When he is teaching the Protestants' second commandment is he to state that it is a special commandment aimed at Roman Catholic images and relics? or is he to explain, "Thou shalt not make unto thee any graven image," as the Catholics explain that language? And when he comes to the Protestants' fourth commandment enjoining the keeping of Sunday (it is the Catholic third), shall he inculcate Protestant or Catholic belief as to the lawfulness of recreation, and works of liberal, and artistic, character? Let Protestants tell me that they are willing to have their children taught the Ten Commandments by Roman Catholics, and I shall then, but not till then, acknowledge that the present schools are unsectarian. I pray Mr. Pedley, to make a note of this for his reply.

I have with me the Presbyterian and the Roman Catholic, methods of teaching the decalogue. According to the Presbyterian one of the sins forbidden by the first commandment is "Praying . . . to saints, making men lords of our faith and conscience," etc.; one of the sins forbidden by the second is "the making of any representation of God, of all, or any, of the three persons, either inwardly in our mind, or outwardly in any kind of image or likeness of any creature whatsoever; all worshipping of it, or God in it or by it," etc.; one of the sins forbidden by the third is "the maintaining of false doctrines," etc.; one of the sins prohibited by the fourth is "all profaning the day by . . . recreations;" and so on. Does any one tell me that this is not sectarian, or that it is possible for a Presbyterian believing that these are sins, and that they are prohibited by the ten Commandments, to teach the decalogue and say nothing about them? I need not say to contrast the lessons drawn by the Roman Catholics from the same Commandments. Suffice it to say that they are such as are anathematized by all Protestants.

It is sometimes said that the apostles' creed is non-sectarian and could be taught to all children alike. Not to mention the children without theological prejudices, and the Jews who do not believe the creed, what would the non-sectarian teacher tell the children

was the explanation of "He descended into hell?" Catholics have one view and Protestants various others. Without dwelling further upon this point I am prepared to say, after a careful study of the question that it is not within the wit of man to devise a means of co-education in religion which shall be satisfactory to Protestants and Catholics alike.

#### TEACHING RELIGION.

You will observe that I have been showing that Protestants and Catholics can agree upon very simple matters connected with religion—not even the decalogue which is taught in the 1890 schools. But even if they could agree on these rudimentary points such quantity of religion would fall far short of the allowance which Mr. Pedley has agreed ought to be provided by the state. According to his view, and Roman Catholic view, the foundations of morality—the religious "sentiments and sanctions" of it must be taught. Now Mr. Pedley I have a conundrum for you. Morality is based upon religion, but upon what religion? Is it upon the Christian religion? Then it is the Christian religion that must be taught in the schools, is it not? And then what becomes of the Jews and Unitarians? and what of out boasted non-sectarian schools—schools open to every one, and providing for every one, Jew and Gentile alike? And another conundrum: Morality is based, shall we say, on the Christian religion (and the Jews and Unitarians can go where they like); but if so, on how much of it, and what parts of it, and what are the essentials of it? Does Mr. Pedley really propose that everybody is, under penalty of paying for two sets of schools, to have to agree upon these points? I beg that he will not in reply say: Surely Protestants and Catholics can agree upon the broad fundamentals of religion. I say in advance while broadly they do agree, particularly (and you must teach that way) they do not; that if you are going to teach religion you do not teach it in a lump, but specifically, and that there is no possibility of agreement. I make the audience this offer: Let as many as like write down specifically the religious sentiments and religious sanctions which they think are the foundations of morality. After Mr. Pedley's report we shall see, if any one in this audience agrees with him. If any single individual does agree with him I will pay \$25 to the Children's Home.

#### NATIONAL UNITY.

Second objection—That it is necessary to the upbuilding of national unity that all children should go to the same schools. Is it? Then how comes it that England to-day is probably the highest type of national unity on the face of the earth? Did English boys all go to the same schools when Crecy and Agincourt, Salamanca and Waterloo were fought? Not at all. The idea of individual unity or rather similarity, moreover, this idea of putting boys into the same mould, and turning them out exactly alike, is the most mistaken of all ideas relating to education. The world has made more progress on the principle of diversity, than of similarity, a thousand times over. The principle of similarity is in many respects the principle of intolerance and stagnation, whereas the principle of individual liberty is the principle of good fellowship and progress.

This objection is sometimes put in this way: That in common schools children of different denominations will learn to know and respect each other—cease to have theological prejudices, I suppose. I do not think so. If we are to get rid of the theological prejudices we need not commence at the schools, for there are none there. It is, I am sorry to say, at the pulpits that we must work—the pulpits of Protestant and Catholic alike—at some more, at some less, at this one perhaps very little, but still to some extent. If the Protestant and Catholic pulpits respected each other, so far as they respectively deserved, the congregations would not be behind. The antagonism is, to my mind, largely professional, for in business and social intercourse we know nothing of it, we never hear of it.

Let me give you an example. A short time ago the Methodist ministers of this city passed the following resolution and directed it to be sent to every Methodist minister with a request that he should preach upon it: "The Methodist Ministerial Association of Winnipeg, to the Dominion Cabinet, Ottawa, Sir McKenzie Bowell, premier—Fearing it should be construed as indifference, we respectfully, but firmly, protest against interference with the school system of Manitoba as established by law: first, because by this law no injustice is done to any individual; secondly, because such interference would infringe upon provincial rights which are sacred having been uniformly recognized since confederation, notably in dealing

with the Jesuits' estates question." (Sgd.) Geo. R. Turk, president; F. S. Fletcher, secretary." Now in the reference to provincial rights in this resolution there is not a word of truth. The wind of prejudice always twists facts into unrecognizable shapes. I make no charge of bad faith against these Methodists. It is the pulpit I say that we must work at if we are to rid ourselves of sectarian intolerance. Either Protestants and Catholics ought not to respect each other and in such cases there is no use endeavoring after it; or if they ought, then it is the duty of their leaders—the ministers and priests, to bring it about.

#### DEFECTIVE EDUCATION.

Third objection. The separate school system results in defective education. How this can be if all the schools are alike, except the religious studies, I cannot see. To prove it European statistics are appealed to. There is nothing so misleading as statistics, and they are usually quoted on both sides of a controversy. Mr. Pedley gave you some, let me give you some others taken from the Encyclopaedia Britannica under title Europe.

Country.	Catholics.	Protestants.	Scholars to every 1,000 inhabitants.
Switzerland.....	1,081,400	1,577,700	155
German Empire....	14,867,500	25,630,700	152
Luxembourg.....	197,000	400	112
Norway.....	350	1,701,800	138
Sweden.....	600	4,203,800	138
Netherlands.....	1,313,000	2,198,000	136
Denmark.....	1,900	1,865,000	135
France.....	35,388,000	610,800	131
Belgium.....	4,980,000	15,000	123
Austria.....	27,404,300	3,571,000	100
Great Britain.....	5,500,000	25,900,000	83
Spain.....	16,500,000		82
Italy.....	26,750,000	35,000	70

But all these statistics prove nothing to us. The ethnological differences of the people must be taken into account; and this fact also that the figures of a few years ago would be very different. England is doing very well now, but prior to 1870 her standing was deplorable. Italy's spurt came a few years later, but as you may see from the report of the United States commissioners of education of 1888-9, p. xiv: "In no state of Europe has more strenuous efforts been made to provide for education by public schools. The expenditure for 1886 amounted to \$20,000,000, of which the national government furnished nearly one-third. Over 10 per cent. of the entire population are enrolled in schools." Italy was one of Mr. Pedley's horrible examples!

Statistics are also quoted from our own province. It is said that only 25 per cent. of the French halfbreeds can read or write. I am assured that it is much greater than that, but I am surprised to hear that it is so great. Dr. Bryce has compared the French halfbreeds to wild mustangs, and the English to the patient roadsters; and he is right. The mother tongue of many of those called French is Cree, and their habits until recent years have been those of the roving hunter and voyageur. Why then charge their illiteracy to the Catholic schools? Why not as well charge it to the Protestant schools? Of this 25 per cent. of literates how many owe their education to others than Catholics? (Credit the Catholics, I say, with 25 per cent. Do not debit them with 75 per cent. Be fair. Is it not absurd also (even were Catholics responsible), to ask the same results from wild mustangs as from patient roadsters? In the United States educational census there is a separate column for civilized Indians, colored people, etc. It is not the best column!

Perhaps the best means of ascertaining whether the separate school system is injurious, is to ascertain how it works in Ontario. There the supporters of both schools are much the same, and the conditions are identical. How does it operate there? Are the supporters of separate schools there illiterate? If you will turn to the Canadian Statistical Year Book for 1884, at page 851, you will find this statement: "The average attendance at the separate schools was better than at the public schools, being 57 per cent of the total number of pupils; while the average cost per pupil both on total attendance, and on average attendance, was less than the public schools." I commend this as a text for the Methodist sermons in substitution for their bad-fact resolution.

Fourth objection—The objection of defective education is better put by Mr. Pedley when he says that the separate school system is injurious in cases where the population is sparse and mixed, so that there are not enough of either Protestants or Catholics to make two good schools. This is a valid objection and must be met.

First let us see the extent of the difficulty. Dr. Bryce has said: "Out of 719 school districts in Manitoba when the act of 1890 was passed 191 were Catholic. Of these 191 but a very small percentage are in localities almost entirely French." This small percentage must be further reduced by the number of schools in cities and

towns where there are enough Protestants and Catholics to form two efficient schools. So when we look at the facts the objection almost entirely vanishes. For the few remaining cases I would say that the system in force in the convent school in this city would answer the objection. In that school there are forty-four Protestant children seeking the benefit of defective education and illiteracy. There while the Catholic children for half an hour learn their catechism other employment is provided for the Protestants. But whether or not that would be satisfactory, I do say that it is not a reason for abolishing a whole system, that there are a few cases in which special arrangements ought to be made.

#### EQUAL RIGHTS FOR ALL.

Fifth objection—Why should Catholics have rights not enjoyed by others? I have never contended that they should, and will never do so. My plan has always been to allow liberty to every one, so far as at all practicable. There are three classes in the community, (1) Those who want religion in the schools as it now is; (2) Those who want more religion than there now is, and of a different character; and (3) Those who want none at all. Now upon the principle of equal rights to all and special privileges to none, what are we to do? Make all the schools of one pattern so as to suit one of these parties? or have a flexible system, to fit, so far as possible, the desires of all? There can be but one answer to that question. Prior to 1890 when Protestants had complete control of their schools they made them similar to the schools under the 1890 Act—they made them I assume, as they wanted to have them, for they had power to do as they pleased. Protestants then have their way in the schools which they want? If, too, those who do not want religion at all in the schools have liberty to withdraw, everybody is satisfied; everybody, as far as practicable, has his way, and no one has any special privileges.

If I am told that the distinctive principles of Congregationalism, Presbyterianism, etc., are not taught, I answer that there is no distinctive principle in those portions of their religion upon which morality is founded. There is no distinction in any part of their religion, as practically held, as far as I have ever been able to make out.

Many here, as I have said, probably think that Mr. Pedley gave away his whole case when he admitted that it

was "the business of the state to provide religious teaching." I think so too, but I do not require his admission. I have never contended that such is the business of the state. All that I have ever urged is that the state should not interfere to prevent it. Our schools are managed by school trustees. Now if the school trustees were not prohibited, as they are by statute, from teaching the children the religion of the denomination to which they all belong, much that I contend for would be granted. Why should not the trustees have power to teach the religion which the parents of all the children in the school desire? And why should they be bound down to the doses prescribed by people who do not agree with them? I take my stand upon liberty and freedom in matters pertaining to religion.

#### THE PROTESTANT STANDPOINT.

I have said that from a Protestant standpoint the fight is about almost nothing at all.

I shall proceed to prove that, 1, by reference to New Brunswick and Nova Scotia; 2, by the action of the Greenway government; and 3, by Mr. Dalton McCarthy.

1. In New Brunswick and Nova Scotia there are by law no separate schools. Nevertheless they are there in full operation as a matter of practice. In the rural districts, where there are none but Catholics, the schools are Catholic schools; and in the cities, where there are enough to form two schools, the Catholics go to one and the Protestants go to the other. Now this is done by the consent of everybody, and is found to be such a small matter that no one thinks of objecting to it.

2. The same system is in operation in our province in some thirty rural districts, with the direct sanction of the Greenway government. I say that although it is quite illegal, yet that the government has made such arrangements as have enabled about thirty schools that were formerly called Catholic schools, now to be called public schools. The same trustees are there, the same teachers, the same scholars, the same religious exercises and teaching, but with this difference, that the children are kept in half an hour longer than they used to be—the religious teaching used to be at sometime between 9 and 4 o'clock, and now it is between 4 and 4.30. Now that is quite a proper arrangement, and sometimes a necessary one, when the children are of mixed religions; but when they are all Catholic, I can see no necessity for

it, but, on the contrary, some needless annoyance, and possible physical injury to the children. Then what is the effect of these arrangements? Why practically that while separate schools are abolished by law they are set up again by general consent. Is not that a small matter?

3. Now what is the answer to what I have said? Well I do not know if there is any other, but I shall give you the one offered by Mr. Dalton McCarthy in the recent debate in Ottawa. He said: "In the provinces that are free we are told, and it is the best possible argument that can be urged, that so tolerant are the majority, so willing are they to yield rights which could not be legally claimed, that, to adopt the language of my learned friend, we wink at infractions of the public school law, so that it almost becomes a separate school system. And they do it willingly. But it is one thing to compel people to do a thing and it is another thing to leave it to their free choice. It is a strong argument in favor of allowing the people of Manitoba to work out their own salvation without interference."

Then what is the small thing being fought for? Verily, nothing but this, that the law may be one way so that Protestants may have a chance to wink at the practice which they are quite willing should be the other way. If that is not a small thing it is at any rate a very curious thing. Mr. Pedley may say to me, as did Mr. McCarthy: Why do you complain if you practically have your separate schools? And I should answer him as I did Mr. McCarthy: "With such a government as we have to-day, or with such a government as we may have from time to time, we are not sure that the winking will be carried on as steadily as before." Or I might adopt Sir Charles Hilbert Tupper's remark to me: "I suppose that what you are afraid of is that it may be a long time between winks."

#### THE UNION COMPACT.

In 1869 Canada desired to acquire Rupert's Land; and the inhabitants there, having indicated that they would like to be advised of the proposed methods of government, Canada sent to them three commissioners. At their instance a mass meeting was held at Fort Garry on the 19th of January, 1870. It was held in the open air, although the thermometer stood at 20 below zero, because of the numbers present. It was there unanimously resolved (1) that

forty representatives should be elected, with the object of considering the subject of Mr. Smith's commission, and to decide what would be best for the welfare of the country; and (2) that a committee consisting of Thom. Bunn, the Rev. J. Black, the Bishop of Rupert's Land, John Sutherland, and John Fraser, be appointed to meet and apportion the English representatives for the different parishes in the settlement, and to determine the mode of election."

The elections were held, and on the 26th January the convention met for business. Lord Dufferin says that it "was composed of a number of French and English delegates fairly elected from the population at large; that persons of very great respectability were members of it and took part in its proceedings." Amongst a lot of business transacted the following resolution, moved by Mr. Fraser and seconded by Mr. Gunn (both English representatives) was carried without a dissenting voice: "That the committee previously appointed to draw up the list of rights be reappointed, to discuss and decide on the basis of details of the provisional government, which we have agreed is to be formed for Rupert's Land and the Northwest Territories."

Subsequently, and upon the report of this committee, it was resolved that the new government should consist of twenty-four members, and that a general election for membership should be held. The election was held the legislative assembly met, and without dissent from any body proceeded to make laws for the community. Mr. Pedley says of these proceedings: "They had a right to organize. They had a right to elect their provisional government. They had a right to insist upon an arrangement that would secure to them their property, rights, and a system of government, etc." This provisional government negotiated a bargain with Canada, and that bargain was embodied, or intended so to be, in the Manitoba Act. They had a right to do all this, and further the Imperial authorities required that Canada should make terms satisfactory to the settlers before the union was consummated. Of the bargain made Mr. Pedley says that: "No doubt the French Catholic population of the country understood that in 1870 the Dominion guaranteed them separate schools. They feel that faith with them has not been kept." What does Mr. Pedley admit? 1. That the settlers were quite right in organizing; 2. That they were quite right in making a bargain; and 3, that part of the bar-

gain was separate schools, or at least that the French Catholics so understood it. That bargain having been broken Mr. Pedley naively says: "They feel that faith with them has not been kept." Well, if for one do not wonder that they have some notion of that sort, I should think that the most illiterate of them could see that, even if there are some scores of Protestant ministers who can not. But let me be quite fair to Mr. Pedley. What reasons does he give for disregarding the compact.

#### FIRST REASON.

First reason—"We absolutely refuse to be bound by any compact in which as a province we had no part." From the facts admitted we see that if when known as the province of Manitoba, we had no part in it, (which would have been impossible), at the least the legislative assembly of this same territory did have a part in it, and a very prominent part. Is a change of name, a reason for a breach of contract? I take the liberty of putting to Mr. Pedley a question. At confederation it was agreed that the province of Quebec should be limited in its powers to re-arrange its own constituencies (a very local matter one would think) that there should remain twelve English constituencies unaltered, unless these constituencies themselves wanted a change. Now Quebec, as the Province of Quebec, had no part in that arrangement, but it voted for it through its representatives in the old parliament of Canada, as did our representatives in the old provisional government. Now I ask Mr. Pedley to note it, and tell us whether he thinks that Quebec ought to be bound by the compact or not—whether she may properly wriggle out of it if she can, and gerrymander all English representatives out of the local legislature in Quebec.

#### SECOND REASON.

Second reason—"I say that these 12,000 people had no right to dictate, nor the Dominion government to grant the final measurement for a province capable of maintaining and destined to have a population of at least a million." Softly a little. No one argues for a final measurement in everything but for this only, in a matter relative to religious belief. Out of the 12,000 one half were Protestants and the other half Roman Catholics. No one knew which was going to be in the majority in years to come. If Protestants, then the Catholics desired protection for the schools, and if Catholics (as was then thought

most likely) then Protestants desired protection. What was fair under the circumstances was done, and it was agreed that whichever party should constitute the future minority it should be protected. Fate has given to the Protestants the majority and the use they make of their power is to break the agreement, which, had they been in the minority, they would have loudly claimed the benefit of. To my mind that is nearly as bad as St. Francois Xavier. "No doubt the French Catholic population of this country understood that in 1870 the Dominion guaranteed them separate schools. They feel that faith with them has been broken. And has it not?"

#### THIRD REASON.

Third reason—"I for one might hold up my hand as a Canadian for compensation in some form to be given to the Dominion in satisfaction for the falling through of the compact, to which the Dominion was the party of the first part; but I certainly would hold up both my hands against this province, as a province, being chained for all time to come, that the Dominion might have the satisfaction of seeing its bargain kept." In other words, there was a compact; it has been broken; as a Canadian I think that was wrong and I would like to have had the satisfaction of seeing the bargain kept; but as a Manitoban I am glad it was broken. As a Canadian and a minister of the gospel, I must deplore all deviations from morality, included in which are all breaches of agreements, and I think that as that has happened in this case there ought to be some compensation; but as a Manitoban I say that we did right in breaking the bargain, and am glad that there was a loophole through which to crawl. With all respect for Mr. Pedley I have no sympathy whatever with such hair-splitting, or rather man-splitting, subtleties. They are absolutely unworthy of him, and would never have been offered by him, in any controversy other than one between Protestant and Catholic, in which, struggle as he may, his mental vision is dulled. Mr. Pedley is a man I believe of the very highest honor, and it is to me simply amazing that he can be so blinded as to make the distinction upon a point of agreement and morality, between himself as a Canadian, and himself as a Manitoban, in order that as a Manitoban he may do that, for which as a Canadian he is willing to pay damages. Morality to my mind is the same for a Manitoban



as for a Canadian, and agreements ought to bind both alike. Mr Pedley reminds me of the quarrel between two owners of an elephant, resulting in one of them shooting his half, with the remark that his partner could do with his share as it pleased him. To listen to Mr. Pedley one would think that it was not only possible, but quite right, at the same time, to feed the Manitoban in him with sugar plums for breaking the agreement, and to spank the Canadian of him for identically the same reason.

#### REMEDIAL ORDER.

I must try and remove some of the misapprehensions surrounding the legal proceedings, but I am aware of my difficulty in speaking to those not familiar with legal matters. The misapprehensions have largely arisen 1, from the name given to the document, "Remedial Order," and 2, from the language of the Manitoba Act. The Act speaks of an appeal to the governor-general-in-council. This is wrong; the appeal is from the legislative assembly of Manitoba to the parliament of Canada, from the representatives of the people of Manitoba, to the representatives of the people (including those of Manitoba) of Canada.

Then what has the governor-general to do with the matter? Let me explain. You are all familiar with the functions of the grand jury. It is not thought proper that any person ought to be put upon trial for a serious offence, until there has been a preliminary inquiry as to whether there is any ground for trial. The grand jury does not decide, whether a man is guilty, but it has power to send him to trial. In the same way it was not thought right by the framers of our constitution that any one of his own mere motion, should be able to institute an appeal from the local legislature to the Dominion parliament upon matters of education; and so it was provided that there should be a preliminary inquiry as to whether there were any grounds for such an appeal. This inquiry is made by the governor general and if he thinks that the petitioners have a case, he allows them to carry it before parliament. How such permission could have been refused in the present case, after the decision of the privy council, passes my comprehension to understand.

As to the form of the remedial order, it was necessary that it should conform to the statute. A grand jury's indictment says that

the prisoner did on a certain day commit a crime. Who ever abused the grand jury for using that language although the man had never been tried? It is the language of the law.

#### THE OLD SYSTEM.

It is often asserted that the remedial order commands the restoration of the old system, and Mr. Pedley finds fault with that old system without observing that the principal feature that was objectionable has been omitted. It undoubtedly was a very practical objection to the old Act, that it worked badly in sparsely settled and mixed communities. I quite agree with what Mr. Pedley says upon that subject. If there were too few Catholics in a district to form a school for themselves they escaped taxation altogether, for they could not be compelled to support the schools of the majority. But the remedial order does not require the continuation of this state of things. It asks merely "The right of exemption of such Roman Catholics as contribute to the Roman Catholic schools, from all payment or contributions to the support of any other schools." Everyone ought to pay his share of taxes for education; and, may I not add, not more than his share.

Another objection to the old system was that the Catholic church had the right to disapprove of books used in Catholic schools relating to morals and religion. This was a sentimental objection, but nevertheless, to Protestants, a real one; so at Ottawa I offered to remove the objectionable reference to the church.

Further, I used at Ottawa this language, and I here repeat it: "There are various points, regarding details, upon which we would be very willing to make some compromise or agreement with the Manitoba government; but we are at present in this difficulty, that we are not in a position to ask that any compromise, however fair, should be enacted by the Dominion government, without the assent to it of the local legislature. We can ask only for that which we had before, and must be careful, not even by concessions, to change in any material respect the position which we formerly occupied. If we did, any statute that the Dominion might pass might be ultra vires."

I do not know if that is quite clear to laymen, but it is the legal justification of the remedial order; and it is the reason why no compromise arrangement was suggested in it. It could not legally do so. It could and

did, as I have said, give up some rights, but it could not suggest a different system.

As to the defects in the old act, then I say that we are willing and anxious to remove them. We recognize that the old act was not absolute perfection, but we say it is no ground for pulling down a church that it is in need of repairs.

#### PROVINCIAL RIGHTS.

Upon this subject Mr. Pedley said: "Let us remember that this cry about the sacredness of provincial rights is not a senseless howl, but that it is based upon the principles of common sense."

Rights are supposed to be of three kinds; 1, Sacred. They are sacred when, for the moment, they are on your side; and you must therefore not howl senselessly, but with discrimination; 2, Secular. They are secular when you have no present use for them; 3, Profane. They are profane when they are against you. For example to Mr. Pedley at the present time Provincial Rights, although opposed to the constitution, are sacred; Dominion rights, although based on the constitution, are secular; and Catholic's rights, guaranteed by constitutional compact, are profane. Do not misunderstand me. I do not mean that Mr. Pedley has ever apostrophised Catholic rights in the key of D; but merely this, that while he is prepared to worship provincial rights (as applied to this question) he treats Catholic rights as something to be lightly tossed about and played with; to be disregarded "as a Manitoban," and to be paid for in damages "as a Canadian." To many Protestant preachers provincial rights are sacred to-day, and education a purely local affair but that is only because provincial rights are now on their side, and to howl is not at present, senseless. But when provincial rights were against them, as they were six short years ago, it was the Dominion rights that wore, in their eyes, the robes of sanctity, and the howl would have been extremely senseless. There must be discrimination in howls, if they are to do any good.

I refer to the Jesuit Estate Act in Quebec, which was passed by the local legislature without a dissentient voice. Forthwith the Rev. Principal Caven, the Rev. Principal Austin, the Rev. D. J. Macdonnell, and many other ministers; together with Mr. Dalton McCarthy, and many laymen, formed, not in Quebec, but in Ontario, the Equal Rights association, in order primarily to attack the statute. You know what the Act was about. The

Province of Quebec agreed to purchase all interest, real or pretended, of the Jesuits in certain estates, which had been set apart for education, for \$400,000; and, for fear of seeming to do the Protestants an injustice, an equal amount (in proportion to the population) was set apart for Protestant education. This was a question in no sense less of a local character than the Manitoba School Act. But some Protestants wanted it disallowed, and, appealed from, so they took down the sanctified robes, and clapped them on Dominion rights, waved the constitution vigorously and quite sensibly clapped the howl in a cupboard. In an address issued by the association in 1890, and signed by the Rev. Principal Caven, as chairman, and Mr. E. Douglass Armour as honorary secretary, there was the following: "The right of appeal to the Governor-General which minorities at present have, must"—must what? must be abolished? must never be used? Not at all; that would have been to howl at the wrong time—"must remain; may the entire Dominion is the proper guarantee for equality of dealing on the part of provinces with the adherents of the various churches, and nothing beyond this should be sought." I fancy I hear from the locked cupboard that melancholy howl trying to make itself heard.

Mr. Dalton McCarthy was the chief speaker in the Equal Rights association. In his address in the house of commons on the Jesuit estate matter he said, (Let us apply it to our own case as he proceeds):

"I venture Sir, to ask the house seriously to consider the position in which we stand. The worship of what was called local autonomy, which some gentlemen have become addicted to, is fraught, I venture to say, with great evils to this Dominion. Our allegiance is due to the Dominion of Canada. The separation into provinces, the right of local self-government, which we possess is not to make us less citizens of the Dominion, is not to make us less anxious for the promotion and welfare of the Dominion; and it is no argument to say that because a certain piece of legislation is within the power of a local parliament, therefore the legislation is not to be disturbed. By the same Act of parliament by which power is conferred upon the local legislature, the duty and power—because where there is a power there is a corresponding duty—are cast upon the governor-in-council to revise and review the acts of the legislative bodies. If you are to say that because a law has been

passed within the legislative authority of the province, therefore it must remain, we can easily see, Sir, that before long these provinces instead of coming nearer together, will go further and further apart. We can see that the only way of making a united Canada, and building up a national life and sentiment in the Dominion, is by seeing that the laws of one province are not offensive to the laws and institutions, and it may be to the feelings of another—I will go so far as to say that they must be to some extent taken into consideration.”

Let us clear this matter up a little, and stop, if possible, this robe borrowing. What are Dominion and provincial rights? Are they not as Mr. McCarthy says those given by the constitution? If so what then says the constitution? Does it say that all local matters are to be controlled by the province, and all others by the Dominion? Not at all, although to listen to most of the sermons one would think so. Marriage and divorce are surely local matters. Mr. Pedley would say that they have to do with people “inside our own province, these and these only”; and yet the provincial legislatures have only limited jurisdiction as to one of these subjects, and no jurisdiction at all as to the other. Agriculture is surely local, but again the local jurisdiction is limited. I could proceed with the enumeration, but it is not necessary. Now what does the constitution say as to education? Mr. Pedley says, “to obey the order is to resign provincial autonomy.” But what said the privy council? “Before leaving this part of the case it may be well to notice the argument urged by the respondent, that the construction which their lordships have put upon the second and third sub-sections of section 22 of the Manitoba act, is inconsistent with the power conferred upon the legislature of the province to ‘exclusively make laws in relation to education.’ The argument is fallacious. The power conferred is not absolute, but limited. It is exercisable only ‘subject and according to the following provisions.’ The sub-sections which follow, therefore, whatever be their true construction define the conditions under which alone the provincial legislature may legislate in relation to education; and indicate the limitations imposed on, and the exceptions from, their power of exclusive legislation. Their right to legislate is not indeed properly speaking exclusive, for in the case specified in subsection 3 the

parliament of Canada is authorized to legislate on the same subject. There is, therefore, no such inconsistency as was suggested.” How then do we resign provincial autonomy? If we had by the constitution sole control over education the case would be different; but when we have not got it, how can we resign it! How! as we please, with or without discretion, or discrimination, we have no such power, and therefore can neither resign nor abandon it. There is no state in the union that could have passed the Act of 1890, interfering as it does with vested rights. There would not even be an appeal to any constituted authority, the law would be absolutely void as ultra vires. (Nevertheless, each state is autonomous to the extent of its constitution. The province of Manitoba has greater power than any state in the union in this regard, and has it therefore no autonomy? Let us, I say, as British subjects, be governed by our constitution, and not raise howls, senseless or otherwise, when a right of appeal, given by the constitution, is put in exercise.

#### OPINIONS OF STATESMEN.

Before closing I would like to point out that the opinions of Canada's leading statesmen have been in favor of separate schools. Let me read to you an extract from Mr. Pope's “Life of Sir John A. Macdonald,” the man who was the first to introduce the separate school system into Canada—the man who, therefore, according to Dr. Bryce, was no patriot:—

“There remains but one question of practical politics in relation to which I propose to outline Sir John Macdonald's attitude. I refer to those of race and religion, which periodically threaten the peace of Canada. It must be apparent to the most careless student of Sir John Macdonald's history, that British and Protestant though he was, at no time in his career had he any sympathy with that fierce intolerance of everything French or Roman Catholic which at the present time is abroad in the province of Ontario. As far back as 1854 we find him counting on his “friendly relations with the French.” In 1855 he introduced and carried a bill in the interests of separate schools against the bitter opposition of George Brown. In 1863 he supported by speech and vote Mr. R.W. (now Senator) Scott's Act establishing a system of separate schools. In 1867 he perpetuated this right to the Roman Catholics of Ontario, and at the same time provided for the French Canadians with liberal guarantees for

the security of their language, institutions and laws. In 1870 he secured or thought he secured, like privileges to the Roman Catholics of Manitoba. We are not left in doubt as to his view of what was intended by the operation of the Manitoba Act. In the very beginning of the present agitation in that province, he thus addressed a member of the local legislature, who had applied to him for counsel:

"You ask me for advice as to the course you should take upon the vexed question of separate schools in your province. There is it seems to me but one course open to you. By the Manitoba Act the provisions of the B. N. A. Act (section 93), respecting law passed for the protection of minorities in educational matters, are made applicable to Manitoba and cannot be changed, for by the Imperial Act conferring the establishment of the new provinces, 34-35 Vic., section 6, it is provided that it shall not be competent for the parliament of Canada to alter the provisions of the Manitoba Act in so far as it relates to the province of Manitoba. Obviously, therefore, the separate school system of Manitoba is beyond the reach of the legislature, or of the Dominion parliament."

"It is true," Mr. Pope continues, "that the highest tribunal in the empire has put a different interpretation on the Manitoba Act, but with the merits of this question we are in nowise concerned here. My object is merely to show what were the views of him who had by far the greatest share in the framing of this piece of legislation, as to its scope and effect."

Mr. Alexander McKenzie, in the debate on the New Brunswick school case, said: "I believe in free schools in the non-denominational system; and, if I could persuade my fellow-countrymen in Ontario and Quebec, or any other province, to adopt that principle, it is the one I would give preference to above all others. For many years after I had a seat in the parliament of Canada, I waged war against the principle of separate schools. (I hoped to be able, young and inexperienced as I then was, to establish a system to which all would yield their assent. Sir, it was found to be impracticable in operation, and impossible in political contingencies."

Sir George Cartier's, Sir John Thompson's, Sir Oliver Mowat's and Mr. Edward Blake's opinions are too well known to need citation. These are opinions of men well informed upon this question of separate schools,

men who were through the fierce fights in the 60's; men well able to judge whether the separate school system is baneful or injurious. Let us give heed to them.

From great statesmen let us pass to two smaller ones—Mr. Greenway and Mr. Martin. In 1872 the New Brunswick school question was debated in the House of Commons, and Mr. Greenway was there. Canada had no jurisdiction to interfere with New Brunswick, because there never had been separate schools there; but Canada did all that she could, and the House of Commons passed an address to Her Majesty asking her to use her influence with the legislature of New Brunswick to procure relief for the Catholics. Mr. Greenway was there, and Mr. Greenway voted for that address. And Mr. Greenway remained in favor of separate schools until after Mr. Martin's Portage la Prairie speech in August of 1889, in favor of establishing separate schools. Mr. Greenway made no secret of his disapproval of this speech; and to his friends denounced it as stupidity and madness. But Mr. Martin always had the means of controlling Mr. Greenway. He had only to tender his resignation, and he had his way. Mr. Greenway swallowed the nauseous dose, but no one believes that the nasty taste has yet left his lips.

And now for Mr. Martin. In 1890 he passed the 1890 Act—he was then in provincial politics. In 1894 he denounced the Act—he was then in Dominion politics. In an address to the Winnipeg Liberal club (20 Feb. 1894) he said: "He himself was not satisfied with the School Act, and never had been so. He had made a strong effort to have public schools, controlled by the government, really made national schools, with religion obliterated; and he was now more convinced than ever that was the only School Act which could be justified as constitutional. They said that the state had no right to interfere with the different denominations, but had the right to interfere in the matter of religion; but he contended that they could not do the one without the other. It has been urged by satisfied supporters of the Act, that none could complain of the devotional element introduced as it was of the broadest nature. But they found that the Roman Catholics had the very greatest objections to this provision of the Act, and he was himself dissatisfied with it, and was glad many Protestants shared his objections—The Roman Catholics had honestly stated that in their belief the

two forms of education should go together. The Protestants admitted on the other hand that it was impossible to have religious training in the schools, and only asked that it be recognized—insisting however on imposing their views on others in that respect; rather than that small amount of religious training should be done away with in the schools, the Protestants said they would prefer the old state of affairs. He would leave it to his audience to determine which was the more honest stand of the two."

Need I go further in citing authority of great statesmen, and little politicians. I wish I had time to give you further testimony, but I must hurry to a finish.

#### THE PRIVY COUNCIL DECISION.

If, ladies and gentlemen, you decline to adopt the arguments which I have advanced in favor of separate schools; if you decline to be bound by agreement of 1870; and if you decline to give heed to opinions of eminent men, what is there left that I can urge upon you? Well, if argument, agreement and opinions fail I can still urge upon you submission to the law, and to the constitution, as interpreted by the highest judicial tribunal—the privy council. It is unfortunate that the decision has not been published so as to be accessible to all. Let me give you some extracts from it.

"The terms upon which Manitoba was to become a Province of the Dominion were matter of negotiation between representatives of the Province of Manitoba, and of the Dominion Government."

"Those who were stipulating for the provisions of section 22 as a condition of union and those who gave their legislative assent to the Act by which it was brought about had in view the perils then apprehended."

"It was not doubted that the object of the first sub-section of section 22 was to afford protection to denominational schools."

"There is no doubt either what the points of difference were, and it is in the light of these that the 22nd section of the Manitoba Act of 1870, which was in truth a parliamentary compact, must be read."

"The sole question to be determined is whether a right or privilege which the Roman Catholic minority previously enjoyed has been affected by the legislation of 1890. Their Lordships are unable to see how this question can receive any but an affirmative answer."

"Bearing in mind the circumstances which existed in 1870, it does not appear to their Lordships an extravagant notion that in creating a legislature for the Province with limited powers it should have been thought expedient, in case either Catholics or Protestants be-

came preponderant, and rights which had come into existence under different circumstances were interfered with, to give the Dominion parliament power to legislate upon matters of education, so far as was necessary to protect the Protestant or Catholic minority as the case might be."

What blasphemy and sacrilege! Did these judges never hear of the sacredness of provincial rights, or listen to that howl which under properly selected circumstances plays such an important part in Canadian politics? Let me request your special attention to the next extract dealing with the Catholic petition to the Governor-General asking for relief:

"Their Lordships have decided that the Governor-General has jurisdiction and that the appeal is well founded, but the particular course to be pursued must be determined by the authorities to whom it has been committed by statute. It is not for this tribunal to intimate the precise steps to be taken. Their general character is sufficiently defined by the third sub-section of section 22 of the Manitoba Act."

"All legitimate ground of complaint would be removed if that system (the system of 1890) were supplemented by provisions which would remove the grievance upon which the appeal is founded and were modified so far as might be necessary to give effect to these provisions."

What is here said: 1. That the Catholics have a grievance; 2. that their appeal is well founded; 3. that the general character of the proper course to be taken is clear, namely that the act of 1890 ought to be supplemented by provisions which would remove the grievance, and 4. that the precise steps to be taken ought to be determined by the governor-general-in-council.

This seems plain enough for any unprejudiced mind, but Mr. McCarthy makes two remarks about it. He said at Ottawa: 1. That the privy council went beyond the record and had no right to say what it did—as to which I fancy that we will be content to take the council's opinion and not that of Mr. McCarthy; and 2, to use his own language "I say that is going a long way because they have obtained a solemn decision of the highest tribunal but there is a constitutional power with this council to say, notwithstanding the decision of a court of law upon this point that they will not act upon that opinion." Then what are we to act upon if not upon the decisions of the highest possible constitutional and judicial authority; upon what then? Ladies and gentlemen, may I not fairly ask you to stand by our constitution and our courts, assured that in no other way can endless anarchy and confusion be avoided.

## CONCLUSION.

: And now in conclusion I beg to bring before you an object lesson. In 1890 there were in the city of Winnipeg five Catholic schools, with 576 scholars. To-day those schools are still there, but the scholars have increased to 704. During these five years the Catholics have paid their share of taxes for the other schools, and have, with great difficulty, and much self-denial, maintained their own schools as well. They have done this quietly, patiently, to the law submissively; but it must be added somewhat grudgingly, for they are for the most part of the less affluent classes, and as Mr. Pedley says "they feel that faith with them has not been kept." Nevertheless, Protestants, you have heard nothing of their complaining, although some of you, feeling the injustice that was being done, have generously helped them. The taxes for school purposes in the City of Winnipeg meanwhile have been increasing, until Protestants themselves are finding them hard to pay. How would you like if besides paying for your own schools you had to support others as well? Why do the Winnipeg Catholics make the double payment? Well, they say for conscience sake. They keep up their separate schools for the same reason that Protestants keep up their separate churches—for conscience sake. And are these schools inefficient? No such charge has ever been made, but in the

name of the Roman Catholics of this city, and with their sanction, I invite you to go and see for yourselves—see their work and see how much of their time is given to catechism. I could not bring the children here; but I have done what I can, I have brought here samples of their work, and specimens of their books, and their time tables, and I ask you at the close of the proceedings to come forward and inspect them.

What then, will Winnipeg Protestants continue to make profit out of the Catholic conscience, and to diminish their taxes by enforced contributions from those who can make no use of the present schools? Is that fair is it just, is it reasonable, is it honest? Which of Mr. Pedley's reasons will he offer for the continuation of this crying inequality? Protestants of Winnipeg, the best of you, are you not ashamed of the result to which intolerance has brought us, as well as of the faith-broken path by which it has come? Are you not ashamed to make money out of the religious convictions of your Roman Catholic fellow citizens?

Are you not willing to pay for your own schools? and to let the Catholics keep the money which under the present system they have to contribute to your support? I leave it to your judgment, trusting that my effort to place the matter fairly before you may prove of some assistance in your reflections.

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